

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF WEST VIRGINIA**

Friedrichs Harris, Administrator of the
Estate of Evan M. Harris, deceased,

Plaintiff,

v.

Civil Action No. 2:16-cv-46
Judge Bailey

Q & A Associates, Inc.
Angela Shockley, Individually,
Keith Bishop, Individually,
Matthew Shockley, Individually,
Sandy Schmiedeknecht, Individually, and,
Tammy Robbins, Individually,

Defendants.

PLAINTIFF'S PROPOSED VOIR DIRE

1. Judge Bailey has permitted the lawyers to ask questions of each of you in this case so that we may learn a bit about you. It is called Voir Dire, which is French word for see and speak. It is our only chance to speak with you about your ability to be fair and impartial to hear and impartially consider the facts of this case. Are you all comfortable with my asking questions of you? Some of the questions I will be asking today are quite personal, because of the nature of this lawsuit. I am not here today to embarrass anyone, just to get a fair and impartial jury panel, just as you would want your lawyer to do in the event you had to go to Court.
2. It is important that you give us information during this process. Everyone in this Courtroom is counting on you providing us with information about yourselves. Do each of you understand that?

3. If I ask questions that you are not comfortable answering, would you please alert Judge Bailey that you would like to answer those questions outside the presence of others?
4. Ladies and gentlemen, a young man died by suicide. His name is Evan Harris. It is our position that his death never should have occurred and would not have occurred unless the Defendants in this case were negligent and reckless in the way that they monitored him and took care of him. His father came to us and asked us to bring a lawsuit to vindicate the death of his son. Knowing that little bit of information, do you feel like you can be fair and impartial in this case?
5. Do you have strong feelings about suicides?
6. What do you think about when you learn someone has committed suicide?
7. What is your reaction to when you learn someone has committed suicide?
8. What is your opinion of about people who commit suicide?
9. What has your experience been with people who have committed suicide?
10. How would you react to it if your son or daughter committed suicide?
11. Would you feel differently if you left your son or daughter in a program and the people running the program said that they would protect your son or daughter, would you want them to be held responsible?
12. Why do you think about the word suicide?
13. What are the first words that come to mind when we talk about someone who has committed suicide?
14. Please tell us about your feelings?
15. Do any of you ever had a child who suffered from mental illness?

16. Do any of you have a family member that suffers from mental illness?
17. Do you know anyone who has a serious emotional or psychological problem who has not received any help or treatment?
18. Please explain, including why this person has not received any help?
19. Have you or anyone close to you ever threatened, attempted or committed suicide?
20. Please explain the circumstances, as you understand them, as to why this occurred?
21. Have you or anyone close to you ever engaged in self-harming or intentionally injuring acts?
22. Please explain the circumstances, as you understand them, that led to these behaviors?
23. Have you or anyone close to you ever taken any courses or training in or worked in the field of alcohol or chemical dependency
24. Please explain what you led you to take these courses?
25. Have you or anyone close to you ever belonged to Alcoholics Anonymous, any 12 step or other kind of chemical dependency organization, or received alcohol or chemical dependency treatment?
26. Please explain the circumstances surrounding this matter?
27. Have you or anyone close to you ever had a chemical dependency problem involving the use of legal or illegal drugs?
28. Please explain your experiences?
29. Evan Harris had a diagnosis of bipolar disorder. Have you or someone you know suffered from bipolar disorder?
30. Do any of you believe that people with bipolar disorder cannot be helped?

31. Evan Harris also had a diagnosis of depression. Have you or someone you know suffered from depression?
32. Do any of you believe that people who suffer from depression cannot be helped?
33. Have you or anyone close to you ever suffered from anxiety, emotional distress or mental illness of any kind?
34. Have you, anyone in your family, or anyone close to you ever received counseling for any kind of emotional, family or psychological problem or for a mental illness of some kind?
35. What type of professional was providing treatment?
36. Was the treatment satisfactory?
37. Have you, anyone in your family, or anyone close to you used medications for emotional or psychological problems?
38. What kinds of medications were used by you?
39. What kinds of medications were used by your loved ones?
40. Was the medication helpful?
41. Did you, or your family member, or person close to you have any side effects from using this medication?
42. Please tell us about the side-effects of the medications that your or your family member was prescribed?
43. Are any of you aware of anti-psychotic medications?
44. What did you notice about yourself or your loved one when the medications were not being taken?

45. Have you or anyone close to you ever taken any courses or training in or worked in the field of mental health or with people who have mental health issues?
46. What do you think are the biggest problems facing residential (treatment) facilities for the mentally disabled and what is the cause of those problems?
47. Do you think that anyone can overcome any kind of mental health problem if they try hard enough?
48. Please explain your thoughts about this?
49. Tell us how you feel about a Dad coming into court to vindicate the death of his son?
50. Have any of you ever lost a son or daughter?
51. How did that death occur?
52. Why did you have children?
53. What do your children mean to you?
54. How have your kids impacted your life?
55. What types of activities do you enjoy with children?
56. Tell us about the relationship you have (had) with your lost son or daughter?
57. What do (did) you like most about your lost son or daughter?
58. What are (were) your favorite things to do with your lost son or daughter?
59. How did you cope with the loss of your son or daughter?
60. What hardships did this cause for you and your family;
61. What were the financial hardships? Loss of income, extra expenses such as last medical bills, funeral expenses and the like?
62. What were the losses to the family relationships, activities, etc.?

63. Do any of you believe that parents should not outlive their children? How do you feel about that?
64. Some people think that there is never a reason to bring a wrongful death case. They think to themselves, "What's the difference? He's dead". How do you feel about that?
65. Some people are of the opinion that, "Everyone dies. Why should this person's family be given a monetary award?" Our position is that he died way before his time. If you believe that it makes no difference when a person dies, we want to know that. Tell us how you feel?
66. Do you believe that once you are saved and you commit suicide that you are still going to Hell for committing suicide?
67. Are you familiar with those people like Judas Iscariot who committed suicide in the Bible?
68. Do any of you have a child who committed suicide?
69. Do any of you have a young adult who has committed suicide?
70. Do any of you believe that a suicide is not something that can be prevented?
71. What is your general opinion about professionals who provide counseling, such as psychologists, psychiatrists, pastoral counselors like ministers, and other mental health professionals?
72. Do any of you believe that people with mental illness are not able to be helped?
73. Do any of you believe that people with mental illness cannot be helped with medicine?
74. Do any of you believe that people with mental illness cannot be helped with therapy or counseling?

75. There was another suicide at this facility on December 21, 2015. Do you believe that one suicide at a facility or school may lead to other suicides?
76. If there was an earlier suicide at the Defendant's facility, would you as a parent wanted to know about that suicide if your son or daughter was participating in the same program?
77. Do any of you have a child who suffered from learning disabilities?
78. Did you find that getting help for your child with learning disabilities was hard to accomplish?
79. Some people have a religious belief that discourages them or actually does not permit them to pass judgment on others. Do any of you have that religious belief?
80. Do any of you have any religious, moral, or philosophical beliefs that would affect your ability to sit as a juror in this case?
81. Do any of you have any health problems, whether physical or mental, that might impair your ability to sit as a juror in this case?
82. Are any of you taking medication that might impair your ability to sit as a juror in this case?
83. Do any of you have any problems hearing or seeing?
84. Do any of you have military service?
85. If so, what branch, rank and approximate date of discharge?
86. What is your level of education, and major areas of study, if any?
87. Do you know anyone on the jury panel?
88. Do any of you know Judge Bailey or someone on his staff?
89. Are any of you familiar with the location of the incident?

90. Have you ever served on a trial jury before today, here in West Virginia or in any state court or federal court?
91. Do you know anyone else in the jury box other than as a result of reporting here today?
92. Do any of you have any problems understanding or speaking the English language?
93. Do any of you have any philosophical views or personal opinions about making judgments of others that would make it difficult for you to serve as a juror in this case?
94. Would your verdict in this case be influenced in any way by any factors other than the evidence in the courtroom such as friendships or family relationships or the type of work you do?
95. Have you ever been a witness in a civil matter, regardless of whether it went to trial?
96. Have you ever testified in any court proceeding?
97. Have you or any family member or close personal friend ever filed a claim or a lawsuit of any kind?
98. Has anyone ever filed a claim or a lawsuit against you or a member of your family or a close friend?
99. Was that lawsuit resolved to your satisfaction?
100. Have you or a family member or close personal friend either currently or in the past been involved as a party ...as either a plaintiff or a defendant...in a lawsuit involving damages for personal injury or a wrongful death?
101. Do you feel like the judicial system worked in that case?

102. What did you find wrong with the judicial system in that case?
103. Have any of you ever worked in a group home setting?
104. Have any of you ever worked in a counseling center or similar business?
105. Have you ever worked in the insurance business handling claims?
106. Have any of you or a close relative worked in the legal profession?
107. How many of you are working in the medical field or have a loved one who works in the medical field?
108. How would those who know you best describe you?
109. How many of you have served on a jury before? Were you the foreperson? Did your jury reach a verdict? In favor of which party?
110. How many of you think that if a lawsuit makes it all the way to trial, it must be a really strong case?
111. How many of you would have difficulty NOT awarding money to someone who has been injured?
112. How many of you think that large damage awards are one of the best ways to hold corporations accountable for their wrongdoing?
113. How many of you strongly agree with the phrase, "Bad things don't 'just happen – usually someone or something is to blame?"
114. Do any of you consider yourselves retired?
115. What kind of work did you do before you retired?
116. Do any of you consider yourselves to be homemakers?
117. Did you work outside the home at any time? If so, what did you do?
118. Have any of you ever had a claim filed against you?

119. Were you satisfied with how that claim turned out?
120. Judge Bailey is going to explain that we have the burden of proof in this case. And he's going to tell you that the burden is met based upon the greater weight of the evidence. Do each of you understand that the burden of proof requires that I prove it more likely than not that the conduct of the Defendants permitted Evan Harris to commit suicide?
121. Do each of you understand that the beyond a reasonable doubt standard does not apply in this case?
122. Are each of you willing to listen to the Court's instructions that the reasonable doubt standard does not apply in this case?
123. Are any of you unwilling to listen to the Court's instructions about the preponderance of the evidence standard that does apply to this case?
124. Is there some reason why you believe the beyond a reasonable doubt standard should apply?
125. Do you agree with the statement that you trust someone until given reason not to?
126. Do you agree that it is really easy to know if someone is lying?
127. Do you honestly answer personal questions when someone is taking a survey by phone?
128. It's Rick Harris's position that the Defendants were careless and responsible for the death and should be held accountable. Do you think there is anything wrong with parents getting justice for the loss of their son or daughter? Tell us why you feel that way.

129. Do you agree with the part of our civil justice system which holds that if someone dies through the negligence of another, the estate of the person who died is entitled to compensation for the pain and suffering experienced prior to death? Why do you agree?
130. How do you feel about the part of our civil justice system which holds that, when a parent loses a child through the negligence of another, should the parents be entitled to be compensated for their loss? Why do you feel that way?
131. How much money do you believe would be too high for the loss of a son?
132. Do you believe that damage awards for the loss of a son should have caps of some sort to limit the damages that may be awarded?
133. Do each of you understand that there is no cap on the amount of money you can award to the Estate of Evan Harris in this case?
134. Would the fact that there is no cap on the amount of money that may be awarded be a problem for anyone?
135. Our legal system only permits monetary damages to be awarded in cases like this one. Would anyone hesitate to provide monetary damages to the Estate of Evan Harris for the loss of their son and brother?
136. A number of you raised your hands in response to the question about too many lawsuits. Some of you believe that there should be caps on damages. Do each of you understand that you are the cap? You get to decide how much, if any, in monetary damages that the beneficiaries of the Estate of have sustained?
137. Is there anyone who cannot do that?
138. Are any of you members of a lawsuit abuse organization?

139. Ever given any money to a lawsuit abuse organization?
140. Do you believe that there are too many lawsuits being filed?
141. If you had to list one case that you thought was a frivolous case, what would your answer be?
142. Do you believe that damage awards are just too high?
143. Have you served in an elected position in any civic organizations?
144. Have any of you ever served in law enforcement?
145. Have any of you have a close friend or relative that is in law enforcement?
146. What is your opinion about law enforcement?
147. Do you believe that law enforcement plays an important role in our communities?
148. Have you ever run for office/considered running for office?
149. Have you ever worked as a manager?
150. Do you dislike following someone else's rules?
151. Do you ever cry at sad movies?
152. What movies have made you cry?
153. Are you a lover of music, art, or animals?
154. Do you ever feel physically ill when others are in pain?
155. What are your hobbies?
156. What is your biggest accomplishment?
157. Do you think that you intimidate people?
158. Are you confident in your opinions?
159. Do you consider yourself a specialist in some field?
160. Do you consider yourself competitive?

161. Do you prefer movies with realistic or happy endings?
162. Do you believe in fate or coincidence?
163. Is there such a thing as love at first sight?
164. What types of puzzles do you enjoy?
165. What do you like about crossword puzzles?
166. What was your favorite subject in school?
167. Do you prefer solitude over social gatherings?
168. How often do you strike up a conversation with a stranger?
169. How many friends do you consider close enough to you to share any secret?
170. Are you someone who calls an expert or are you a do-it-yourselfer?
171. Do you buy products unassembled or pay more to have them assembled?
172. If you hear a strange noise coming from something, are you more likely to grab a tool belt or telephone?
173. Do you feel that it is okay for Rick Harris to be here, knowing he sued the defendants in this case?
174. Do you think less of Rick Harris because he filed a lawsuit?
175. Is there anyone here who would never sue another person?
176. Do you believe that there are too many lawsuits?
177. Do you believe that lawsuits are costing us too much money?
178. Do any of you believe that jury awards are often too low?
179. Before hearing any evidence in this case, do you have a limit as to the amount of money you would award as damages due to the death of this young man?
180. Do you read the newspaper daily?

181. Do you vote regularly?
182. What charities do you support?
183. Who controls the remote control in your house?
184. How do you feel about current administration and Donald Trump as our President?
185. Will the next generation be better off than the current one?
186. Are you looking forward to jury service?
187. What is your favorite movie of all time?
188. Would anything about your religious beliefs make it difficult to assess causation?
189. Do you consider yourself religious?
190. Do you attend church more than once per week?
191. What denomination do you tend to lean towards?
192. How much time do you spend reading the Bible each week?
193. Do you consider yourself a person who is saved?
194. When did you first seek salvation?
195. Do you believe that committing suicide is a sin against God?
196. Do you believe that committing suicide is a sin?
197. Do you believe that people who commit suicide have gone to Hell?
198. If this case were to involve a claim for many millions of dollars, and if Rick Harris were to prove entitlement to a claim of this size, just based on the amount of money involved, would you have any personal reason for not making such an award?"
199. Do any of you know Rick Harris, a medical doctor from Metairie, Louisiana?
200. Do any of you know his wife, Kathy Harris, also a resident of Metairie, Louisiana?
201. Do any of you know Angela Shockley? If yes, how do you know her?

202. Do any of you know Keith Bishop? If yes, how do you know him?
203. Do any of you know Matthew Shockley? If yes, how do you know him?
204. Do any of you know Sandy Schmiedeknecht? If yes, how do you know her?
205. Do any of you know Tammy Robbins? If yes, how do you know her?
206. Do any of anything about the corporate entity called Q & A Associates, Inc.?
207. Q & A Associates, Inc. operates a residential life-coaching facility in Davis, West Virginia?
208. Do any of you have family members who are employed by Q & A Associates, which operates programs for troubled teens and young adults in Davis, West Virginia?
209. Do any of you have family members who are employed by Deerfield Village Restaurant, which is located in Canaan Valley, West Virginia?
210. Do any of you have family members who are employed by the Nook, which is a coffee shop located in Canaan Valley, West Virginia?
211. This case involves the death of a young man of 23 years of age who committed suicide. Do any of you believe that suicides are just not preventable?
212. This case is about a young man, Evan Harris, who committed suicide on January 24, 2016 in Davis, West Virginia. Did any of you read any newspaper articles or see anything on the internet or television about the death of Evan Harris in Davis, West Virginia?
213. After hearing everything you have heard to this point, is there any reason you think you could NOT be a fair or impartial juror on a case involving these issues [be specific], and these parties [be specific]?

214. If you were my client, would you be completely comfortable having you as a juror on this case?
215. Can you think of anything in your own life that reminds you of this case? What and how?
216. Is there anything that you have seen or heard that would make it hard for you to guarantee to judge my client the same as the other side?
217. Is there anything we haven't asked you that you think we should know?
218. Is there anyone who would have to be somewhere else today?
219. Is there anyone who believes that serving on this jury panel is too burdensome for you in some way?

Respectfully submitted,

Friedrichs Harris, Administrator

/s/David A. Sims

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CERTIFICATE OF SERVICE

I David A. Sims as counsel for Plaintiff do hereby certify that I served the attached Plaintiff's Proposed Voir Dire through the CM/ECF service:

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Dated at Vienna, West Virginia on this 7th day of May 2018.

Friedrichs Harris, Administrator
By counsel,

/s/David A. Sims

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